

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ROBERT EARL PIERCE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV215WSU

DEPARTMENT OF THE AIR FORCE

DEFENDANT

FINAL JUDGMENT

Before this court are the respective motions of the parties: plaintiff's motion for partial summary judgment; and defendant's motion for summary judgment. After consideration of the motions, evidence offered in support of the motions, and the memoranda of the parties, the court finds that the motion of the defendant is well taken and should be granted. The Memorandum Opinion and Order entered by this court on September 30, 2006, is incorporated by reference. For the reasons assigned in the court's Memorandum Opinion and Order, the court concludes that judgment should be entered in favor of the defendant and against the plaintiff and that the defendant should be awarded its costs.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the complaint be, and it is hereby DISMISSED WITH PREJUDICE in accordance with this court's Memorandum Opinion and Order at the cost of the plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that the defendant is entitled to recover its taxable costs in this action upon filing a Bill of Costs in the time and manner prescribed.

SO ORDERED AND ADJUDGED, this the 30th day of September, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

Civil Action No. 3:05-cv-215 WS
Final Judgment